

# **JOURNAL OF THE HOUSE**

## **EIGHTY-SEVENTH SESSION**

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SECOND DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, January 11, 2012

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Paul Bly, followed by the Pledge of Allegiance led by House page Tim Sternhagen.

Roll Call: All members present except Iron Cloud III, Killer, and Steele who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Val Rausch, Chair

Which motion prevailed.

1       The oath of office was administered by Speaker Rausch to the following named employee:  
2       Legislative Intern -- Shealon Wessel.  
3       Which was subscribed to and placed on file in the office of the Secretary of State.

4                                   **MESSAGES FROM THE SENATE**

5   MR. SPEAKER:

6       I have the honor to inform your honorable body that the Senate has appointed Sens. Gray,  
7   Olson, and Frerichs as a committee of three on the part of the Senate to meet with a like  
8   committee on the part of the House to arrange for a Joint Session of the two houses to receive  
9   the message of the Governor.

10  Also MR. SPEAKER:

11       I have the honor to inform your honorable body that the Senate has appointed Sens. Gray,  
12  Olson, and Frerichs as a committee of three on the part of the Senate to meet with a like  
13  committee on the part of the House to notify the Governor that the Legislature is duly organized  
14  and ready to meet in Joint Session to receive any communications he may desire to make.

15  Also MR. SPEAKER:

16       I have the honor to inform your honorable body that the Senate has appointed Sens. Gray,  
17  Olson, and Frerichs as a committee of three on the part of the Senate to meet with a committee  
18  of four on the part of the House to arrange for a Joint Session of the Senate and House of  
19  Representatives to receive a message from the Honorable David Gilbertson, Chief Justice of  
20  the Supreme Court.

21  Also MR. SPEAKER:

22       I have the honor to inform your honorable body that the Senate has appointed Sens. Gray,  
23  Olson, and Frerichs as a committee of three on the part of the Senate to meet with a like  
24  committee on the part of the House relative to the Joint Rules for the Eighty-seventh Legislative  
25  Session.

26  Also MR. SPEAKER:

27       I have the honor to inform your honorable body that the Senate has appointed Sens. Gray,  
28  Olson, and Frerichs as a committee of three on the part of the Senate to meet with a like  
29  committee on the part of the House to arrange for legislative days for the members, officers, and  
30  employees of the Senate and House.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has appointed Sens. Gray,  
3 Brown, and Frerichs as a committee of three on the part of the Senate to meet with a like  
4 committee on the part of the House for the purpose of setting the compensation schedule of the  
5 elective and appointive officers and employees of the House and Senate for the Eighty-seventh  
6 Legislative Session, pursuant to SDCL 2-5-8, with the full power to act and that such  
7 compensation schedule be filed with the Director of the Legislative Research Council and the  
8 State Auditor.

9 Also MR. SPEAKER:

10 I have the honor to inform your honorable body that the Senate has appointed  
11 Sens. Brown, Rave, and Hundstad as a committee of three on the part of the Senate to meet with  
12 a like committee on the part of the House for the purpose of conferring with the Director of the  
13 Legislative Research Council in regard to making arrangements for the distribution of the  
14 official directory, Senate and House journals, and bills and other legislative printing for the two  
15 houses and the state offices, with the full power to act.

16 Also MR. SPEAKER:

17 I have the honor to inform your honorable body that the Senate has appointed  
18 Sens. Rhoden, Heineman, and Hundstad as a committee of three on the part of the Senate to  
19 meet with a like committee on the part of the House relative to securing chaplains for the  
20 Eighty-seventh Legislative Session.

21 Also MR. SPEAKER:

22 I have the honor to inform your honorable body that the Senate has appointed Sens. Vehle,  
23 Kraus, and Sutton as a committee of three on the part of the Senate to meet with a committee  
24 of four on the part of the House for the purpose of arranging a memorial recognition of  
25 deceased former members of the Senate and House.

26 Also MR. SPEAKER:

27 I have the honor to inform your honorable body that the Senate has adopted the report of  
28 the Joint-Select Committee relative to notifying the Governor that the Legislature is duly  
29 organized and ready to meet in Joint Session to receive any communications he may desire to  
30 make.

31 Also MR. SPEAKER:

32 I have the honor to inform your honorable body that the Senate has adopted the report of  
33 the Joint-Select Committee relative to arranging for a Joint Session of the two houses to receive  
34 the message of the Governor.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has adopted the report of  
3 the Joint-Select Committee relative to arranging for a Joint Session to receive the State of the  
4 Judiciary message of the Honorable David Gilbertson, Chief Justice of the Supreme Court.

5 Respectfully submitted,  
6 Fee Jacobsen, Secretary

7 **REPORTS OF JOINT-SELECT COMMITTEES**

8 MR. SPEAKER:

9 Your Joint-Select Committee appointed to make arrangements for a Memorial Service for  
10 deceased former members of the South Dakota House of Representatives and Senate  
11 respectfully reports that they recommend that the House of Representatives and Senate recess  
12 and convene in the House Chamber at 3:00 p.m. on January 19, 2012, and that a Joint Memorial  
13 Resolution be introduced in their memory by their colleagues in the House of Representatives  
14 and Senate.

15 A short program will follow the introduction of the Memorial Resolution. At the  
16 conclusion of the Memorial Service, the Joint Session will be dissolved.

17 The Memorial Resolution shall be printed in the House and Senate Journals.

18 Respectfully submitted,  
19 Roger Hunt  
20 Nick Moser  
21 H. Paul Dennert  
22 Steve Hickey  
23 House Committee

Respectfully submitted,  
Mike Vehle  
Elizabeth Kraus  
Billie Sutton  
Senate Committee

24 Also MR. SPEAKER:

25 Your Joint-Select Committee appointed relative to securing chaplains for the Eighty-  
26 seventh Legislative Session respectfully reports:

27 We have conferred with the Pierre/Ft. Pierre Ministerial Association and have arranged  
28 for ministers to participate on a part-time basis under the direction of Pastor Daniel Varns, New  
29 Life Assembly of God, as chief chaplain, to serve the Senate and House as chaplains throughout  
30 the Eighty-seventh session of the Legislature. The chaplains are as follows:

1 Mike Bishop, Don Block, Paul Bly, Bob Bogart, Susan Carr, Larry Cass, Kris Cowles,  
2 John Fette, Sarah Goldammer, Michael Griffin, Howard Grinager, Mercy Hobbs, Rolly  
3 Kemink, Karl Kroger, Mark McCormick, Peter Mehlhaff, Auggie Mintzlaff, Dodie  
4 Noordermeer, Brad Urbach, and David Zellmer.

5 Respectfully submitted,  
6 Roger Hunt  
7 Nick Moser  
8 H. Paul Dennert  
9 House Committee

Respectfully submitted,  
Larry Rhoden  
Phyllis Heineman  
James Hundstad  
Senate Committee

10 Also MR. SPEAKER:

11 Your Joint-Select Committee appointed for the purpose of conferring with the Director of  
12 the Legislative Research Council in regard to making arrangements for the distribution of the  
13 official directory, House and Senate journals and bills, and other legislative printing for the two  
14 houses and the state offices with the full power to act respectfully reports that:

15 The Legislature order 180 copies of the Senate and House bills and resolutions (each); and  
16 100 copies of the Senate and House daily journals (each) for the Eighty-seventh Legislative  
17 Session.

18 The free distribution of sets of bills, resolutions, and daily journals shall be as follows:

19 Eight copies for the Governor's Office, thirteen copies for the Supreme Court, eleven  
20 copies for the Legislative Research Council, thirteen copies for the State Library Depository,  
21 three copies for the Attorney General, two copies for the Bureau of Finance and Management,  
22 four copies for the Secretary of State, two copies for the Department of Legislative Audit, one  
23 copy for the Code Commission, one copy for the State Treasurer, one copy for the State  
24 Auditor, one copy for the Commissioner of School and Public Lands, one copy for the Public  
25 Utilities Commission, and press copies as needed. Accomplishment of this distribution may be  
26 satisfied, in whole or in part, by obtaining electronic copies of these documents from the  
27 legislative Web site.

28 State's Attorneys and County Auditors shall receive free copies of bills and journals if they  
29 pay mailing charges at a rate of \$50 per set (bills or journals) for first-class mailing.

30 Distribution of bills and journals to state officials, boards, commissions, and institutions  
31 will be made upon request in writing to the Legislative Documents Room at a charge of  
32 \$122 per set of bills and \$135 per set of journals plus mailing charges, if applicable.

33 One copy of the official directory (red book) shall be distributed to each Senator and  
34 Representative, thirteen copies to the State Library, three copies to the Secretary of State and  
35 a copy shall also be made available to state departments and the press upon request to the  
36 Director of the Legislative Research Council. The public may obtain a copy for a fee of  
37 \$6 payable to the Legislative Documents Room.

38 One free copy of the South Dakota Legislative Index shall be distributed to the Governor,  
39 the Lieutenant Governor, the Attorney General and the Supreme Court; thirteen free copies to

1 the State Library Depository; and one free copy to Senators and Representatives. Upon written  
2 request to the Legislative Documents Room before January 31, 2012, all other state and private  
3 entities may purchase the South Dakota Legislative Index at a cost of \$35 per copy.

4 The Chief Mailing Clerk shall upon written request furnish any individual, firm,  
5 corporation, association, or other organization with a set of House and Senate bills for \$122 per  
6 set and a set of journals for \$135 per set for the Eighty-seventh Legislative Session, plus  
7 mailing charges, if applicable.

8 Legislators may have two copies of all bills and resolutions and two copies of the daily  
9 journals distributed or mailed to constituents within the legislator's own district if constituents  
10 or legislators pay mailing charges of \$50 per set for first-class mailing.

11 Registered lobbyists shall be entitled to one copy of the official directory upon payment  
12 of the \$40 registration fee to the Secretary of State; and upon payment of an additional \$122 per  
13 set of bills and \$135 per set of journals plus mailing charges, if applicable, to the Legislative  
14 Documents Room, shall be entitled to one copy of all bills and resolutions or journals pursuant  
15 to SDCL 2-12-3.

16 Bill status reports will be printed and sold to state agencies at cost and to registered  
17 lobbyists for \$200 payable to the Legislative Documents Room which receipted funds shall be  
18 used to pay the printing costs. If bill status is mailed, the cost is \$125 for first-class postage.

19 A free daily copy of the bill status report shall be distributed as follows:

20 Governor; Speaker of the House; Speaker Pro tempore of the House; House Majority  
21 Leader; House Minority Leader; House Lobby; Chief Clerk of the House; Lieutenant Governor;  
22 President Pro tempore of the Senate; Senate Majority Leader; Senate Minority Leader; Senate  
23 Lobby; Secretary of the Senate; Page Advisor; Attorney General; Bureau of Finance and  
24 Management; Secretary of State; Treasurer's Office; Auditor's Office; Office of School and  
25 Public Lands; and Legislative Research Council. Accomplishment of this distribution may be  
26 satisfied, in whole or in part, by obtaining electronic copies of these documents from the  
27 legislative Web site.

28 The Chief Mailing Clerk shall at the end of the session file a report with the Director of  
29 the Legislative Research Council of all money paid for the purchase of bills and journals and  
30 show proof of having deposited such money with the State Treasurer. Such funds shall be used  
31 to offset the costs of postage and printing of bills and journals.

32 Respectfully submitted,  
33 Jacqueline Sly  
34 Charles Hoffman  
35 Susy Blake  
36 House Committee

Respectfully submitted,  
Corey Brown  
Tim Rave  
James Hundstad  
Senate Committee

1 Also MR. SPEAKER:

2 Your Joint-Select Committee appointed for the purpose of fixing the compensation of the  
3 elective and appointive officers and employees of the House and Senate for the Eighty-seventh  
4 Legislative Session, pursuant to SDCL 2-5-8, respectfully reports that a salary schedule for the  
5 elective and appointive officers and employees has been developed and filed with the Director  
6 of the Legislative Research Council and the State Auditor.

7 In regard to the system for payment of travel expenses to legislators we respectfully report  
8 that:

9 (1) A form listing each weekend during session will be delivered to legislators. Legislators  
10 will be asked to list their travel on that single sheet which would be signed and turned in  
11 at the close of session. Also, pursuant to statute, a voucher must also be signed by each  
12 legislator requesting travel reimbursement.

13 (2) Legislators driving their own car home for a weekend will receive mileage paid at state  
14 rates (37 cents per mile). Legislators not driving home will not be entitled to  
15 reimbursement unless they leased a vehicle or somehow incurred an expense, equivalent  
16 to 37 cents per mile, in such travel.

17 (3) Legislators flying commercially will receive the equivalent of flight expenses as long  
18 as it does not exceed 37 cents per mile.

19 (4) Legislators flying charter or in their own plane will be reimbursed for actual expenses  
20 as long as it does not exceed 37 cents per mile.

21 (5) A maximum of nine trips will be considered for the 2012 Legislative Session, including  
22 the trip for the final legislative day.

23 (6) Pursuant to constitutional provisions, legislators will be paid for their initial trip to  
24 Pierre and their final trip home at the rate of 5 cents per mile.

25 Respectfully submitted,  
26 Val Rausch  
27 David Lust  
28 Bernie Hunhoff  
29 House Committee

Respectfully submitted,  
Bob Gray  
Corey Brown  
Jason Frerichs  
Senate Committee

1 Also MR. SPEAKER:

2 Your Joint-Select Committee appointed to make arrangements for legislative days  
3 respectfully reports that we recommend the days of the Eighty-seventh Legislative Session be  
4 January 10 through January 13, January 17 through January 20, January 23 through January 26,  
5 January 30 through February 2, February 6 through February 10, February 13 through  
6 February 16, February 21 through February 24, February 27 through March 2, and March 19.

7 Respectfully submitted,  
8 Hal Wick  
9 Nick Moser  
10 Peggy Gibson  
11 House Committee

Respectfully submitted,  
Bob Gray  
Russell Olson  
Jason Frerichs  
Senate Committee

12 **COMMEMORATIONS**

13 HC 1001 Introduced by: Representatives Kloucek, Blake, Brunner, Carson, Deelstra,  
14 Dennert, Elliott, Fargen, Feickert, Feinstein, Gibson, Hansen (Jon), Hawley, Hickey, Hoffman,  
15 Hubbel, Hunhoff (Bernie), Jones, Kirschman, Kopp, Lucas, Lust, Miller, Moser, Nelson  
16 (Stace), Olson (Betty), Rausch, Romkema, Rozum, Schrempp, Scott, Sigdestad, Street, Tornow,  
17 Tulson, Turbiville, Vanneman, White, and Wismer and Senators Putnam, Begalka, Bradford,  
18 Buhl, Frerichs, Fryslie, Haverly, Hundstad, Hunhoff (Jean), Maher, Sutton, Tidemann, and  
19 Tieszen

20 A LEGISLATIVE COMMEMORATION, Honoring and supporting the Scotland Kuchen Feier  
21 on the occasion of its third annual event.

22 WHEREAS, the third annual Scotland Kuchen Feier was held in Scotland, South Dakota  
23 in conjunction with the Scottie Stampede Rodeo Celebration on August 12, 13 and 14, 2011;  
24 and

25 WHEREAS, Audrey Hagge of Scotland, daughter of Dawn Hagge of Scotland and Ralph  
26 Hagge of Sioux City, Iowa, granddaughter of Vern and Arlene Haase of Scotland and Calvin  
27 Hagge of Menno was crowned the Kuchen Queen of the Scotland Kuchen Feier; and runner-up  
28 Haley Brunke, daughter of Wayne and Melodee Brunke of Scotland, granddaughter of Laverl  
29 and Shirley Schmidt of Volin and Paul and Carol Goettsch of Yankton; and Samantha Geiman,  
30 daughter of Lisa Foley of Scotland and Dennis Geiman of Scotland, granddaughter of Bernita  
31 Geiman of Scotland and Gene and Lisa Jones of Midland were the other contestants in the  
32 Kuchen Queen pageant; and

33 WHEREAS, the Scotland Kuchen Feier which included other activities such as a  
34 community worship service and a German heritage meal, was sponsored by Pietz Kuchen  
35 Kitchen, Roger and Lori Pietz owners; and

36 WHEREAS, Mary Bruna and Lori Pietz did an excellent job as co-chairs of the Kuchen  
37 Queen pageant and the heritage meal, and the Zion Lutheran Church Praise Band of Scotland  
38 and Ken Wintersteen of Olivet provided excellent music and worship for the Sunday Worship  
39 Service; and



1 WHEREAS, the Scotland Kuchen Feier was a successful celebration of the areas German  
2 heritage and of the official state dessert:

3 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of  
4 the State of South Dakota, that the Legislature congratulates the Scotland community on the  
5 success of the third annual Scotland Kuchen Feier and wishes the community the best of luck  
6 with this event in years to come.

7 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at  
8 1:21 p.m. the House adjourned.

9 Karen Gerdes, Chief Clerk

10 **JOINT SESSION**

11 Pursuant to the report of the Joint-Select Committee, as found on page 14 of the House  
12 Journal, the Senate convened with the House of Representatives in the House Chamber for the  
13 purpose of receiving a message from the Chief Justice of the Supreme Court, David Gilbertson.  
14 The President of the Senate, Matt Michels, presided.

15 The following prayer was delivered by Chaplain, Pastor Paul Bly, Pierre/Ft. Pierre  
16 Ministerial Association, Pierre, South Dakota:

17 A reading from the prophet Micah, the sixth chapter: "With what shall I come before the  
18 Lord, and bow before God on High?" "He has told you, O mortal, what is good; and what does  
19 the Lord require of you but to do justice, and to love kindness, and to walk humbly with your  
20 God."

21 Let us pray:

22 Almighty God, You have declared what is right: to do justice, to love kindness, and to walk  
23 humbly with You. With that in our minds and on our hearts we ask Your blessing upon the  
24 judges and courts, juries and law officers throughout our state. Give them a true sense of  
25 partnership with You, O God, in keeping all of us safe within an orderly and just society.

26 Bless all of these leaders here today that they may do their important and often difficult  
27 work in a spirit of wisdom, kindness, justice and teamwork. And in the midst of it all, Lord,  
28 help us to never lose sight of Your bountiful goodness.

29 O Lord God, today we especially lift up to You Bill Janklow. Keep him in Your tender  
30 care. Give him comfort and peace. Surround him and his family with Your holy presence.  
31 Sustain us all by the gift of Your Holy Spirit, so that we may support one another in all that lies  
32 ahead with the strength that You alone can give, for the sake of Your unfailing love.

33 Lord bless all our families, wherever they may be. In Your holy name we pray. Amen.

1       The Secretary of the Senate, Fee Jacobsen, called the roll of the Senate and the following  
2 members were present:

3   Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen, Tom;  
4   Haverly; Heineman; Holien; Hundstad; Hunhoff, Jean; Johnston; Juhnke; Kraus; Lederman;  
5   Maher; Nelson, Tom; Novstrup, Al; Nygaard; Olson, Russell; Peters; Putnam; Rampelberg;  
6   Rave; Rhoden; Sutton; Tidemann; Tieszen; Vehle.

7       The Chief Clerk of the House of Representatives, Karen Gerdes, called the roll of the  
8 House and the following members were present:

9   Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
10   Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard, Hansen, Jon;  
11   Hawley; Hickey; Hoffman; Hubbel; Hunhoff, Bernie; Hunt; Jensen; Jones; Killer; Kirkeby;  
12   Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson,  
13   Stace; Novstrup, David; Olson, Betty; Perry, Romkema; Rozum; Russell; Schaefer; Schrempp,  
14   Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
15   Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch.

16       Sen. Olson moved that a committee of three on the part of the Senate and a committee of  
17 four on the part of the House be appointed to escort the Honorable David Gilbertson, Chief  
18 Justice of the state of South Dakota, to the rostrum.

19       Which motion prevailed and the President appointed as such committee Sens. Gray, Olson,  
20 and Frerichs on the part of the Senate and Reps. Lust, Cronin, Hunhoff and Fargen on the part  
21 of the House.

22       The Sergeant at Arms announced the arrival of Chief Justice David Gilbertson, who was  
23 escorted to the rostrum.

24       The Lieutenant Governor, Matt Michels, introduced the Honorable David Gilbertson, who  
25 delivered the State of the Judiciary Address.

26       Sen. Olson moved that the Joint Session do now dissolve.

27       Which motion prevailed.